

### REMARKS

In response to the Office Action of September 4, 2002, Applicants have amended this application so as to place all claims in condition for allowance, in accordance with the indication of allowable subject matter by the Examiner.

The present patent application relates to a luminary device having a decorative light diffractive, birefringent and color altering plastic film adhered to the outer surface thereof. As set forth in the specification, the luminary may comprise a candle or a candle with a candle holder, and the film is adhered to the outer surface of the candle or the candle holder. The film preferably comprises a heat shrinkable polymer wrap, having specified properties.

In the Office Action of September 4, 2002, the Examiner has indicated that claims 3 - 7 (*sic.*) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner states that "None of the prior art alone or in combination teaches or fairly suggests applicant's invention. Particularly, a candle including an outer decorative covering having a light diffractive, birefringement (*sic.*) and color altering plastic film **adhered to a candle or candle holder.**" (Emphasis present in the Office Action). Applicants express their gratitude to the Examiner for this recognition of patentability, and have herewith amended claims 1, 2, 3, and 8 so as to place them in condition for allowance. It is, however, noted that the Examiner's statement of Allowable Subject Matter refers to "Claims 3 - 7", while the Office Action Summary refers to claims 2 - 7 as being objected to. It is believed that the Examiner intended to indicate that allowable subject matter is present in claims 2 - 7, in light of the rejection of claims 1 and 8 only. Applicants have acted in accordance with this understanding.

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Specifically, the claims have been amended so as to place all claims in condition for allowance. Claim 1 has been amended so as to recite that the luminary comprises a candle having the film adhered thereto, thus incorporating the limitations of claim 2 as filed. Claim 2 has been amended so as to incorporate the limitation of original claim 8, limited to a wrap having specific properties applied to a candle. Claim 3 has been amended to recite that the luminary further comprises a candle holder, and that the wrap is adhered to the candle holder. Claim 8 has been amended so as to be dependent upon claim 4, thereby reciting that the wrap having the specific properties is adhered to the candle holder rather than the candle.

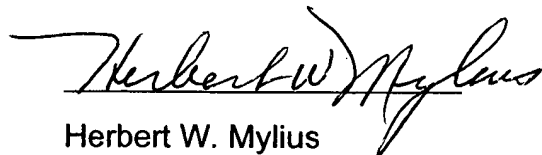
In the Office Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. 102(e) as anticipated by Weber *et al.*, Jonza *et al.*, or Daecher *et al.* In light of the proposed amendment of the claims submitted herein, it is believed that this ground of rejection is moot, and should be withdrawn by the Examiner. As previously indicated, the claims of the application have now been amended so as to provide that all claims recite those limitations found by the Examiner to cause claims 2 - 7 to be allowable.

Accordingly, an early notification of the allowance of claims 1 - 8, as amended, is requested.

Respectfully submitted,

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## APPENDIX

In accordance with 37 CFR 1.121(c)(1)(iii), the following constitutes a marked-up version of the Claims amended in the present AMENDMENT, indicating the changes made in the Claims as amended. Please amend claims 1, 2, 3, and 8 as follows.

1 (Amended). A luminary product comprising a candle having a decorative outer covering adhered thereto, said outer covering comprising a light diffractive, birefringent, and color altering plastic film.

2 (Amended). A luminary product of Claim 1, wherein [the product comprises a candle, and said film is adhered to said candle] said film is a multilayer film comprising alternating layers of at least a first polymer selected from the group consisting of polyethylene terephthalate and copolymers incorporating terephthalic acid and polyethylene naphthalate and copolymers incorporating naphthalene dicarboxylic acid, and a second polymer selected from the group consisting of a copolyester of cyclohexane dimethanol, polytetra-methylene ether, methacrylate, a copolymer incorporating polymethyl methacrylate, and polyethylene terephthalate glycol.

3 (Amended). A luminary product of Claim 1, wherein the product further comprises a candle holder, and said film is adhered to said candle holder.

8 (Amended). A luminary product as set forth in Claim [1] 4, wherein said film is a multilayer film comprising alternating layers of at least a first polymer selected from the group consisting of polyethylene terephthalate and copolymers incorporating terephthalic acid and polyethylene naphthalate and copolymers incorporating naphthalene dicarboxylic acid, and a second polymer selected from the group



consisting of a copolyester of cyclohexane dimethanol, polytetra-methylene ether, methacrylate, a copolymer incorporating polymethyl methacrylate, and polyethylene terephthalate glycol.

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